

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
v.) NO. 3:12-00133
)
PATRICK D. CARUTHERS)

ORDER

Pending before the Court is the Defendant's Motion To Continue Trial And Extend Time For Filing Pretrial Motions (Docket No. 34). Through the Motion, the Defendant requests a continuance of the trial, currently set for December 10, 2013, as well as the pretrial motion filing deadline, in order to complete an investigation possibly affecting decisions about the filing of pretrial motions and the resolution of the case. The Motion indicates that the Government does not oppose a continuance. The Defendant has filed a Waiver of Speedy Trial rights (Docket No. 35).

The Court is of the opinion that the Motion should be GRANTED. Accordingly, the trial in this case is CONTINUED until May 13, 2014, at 9:00 a.m. The pretrial conference is rescheduled for April 28, 2014, at 2:00 p.m. The deadline for filing pretrial motions is extended to February 28, 2014.

Speedy Trial Act

The Court concludes that the period of delay occasioned by the granting of the continuance is reasonable and is excludable under the Speedy Trial Act, 18 U.S.C. §§ 3161, et seq. The Court specifically finds that the interests of justice served by granting the continuance outweigh the interests of the public and the Defendant in a speedy trial on the date previously scheduled. 18 U.S.C. § 3161(h)(7)(A),(B). The Defendant is likely to be prejudiced if he is not

adequately prepared for trial despite due diligence, and the public interest will not be served if such prejudice ultimately requires this case to be retried.

Change of Plea

Any plea agreement shall be consummated by April 22, 2014 and the Courtroom Deputy so notified. Any proposed plea agreement shall be submitted to the Court by April 23, 2014. If a plea agreement is submitted, the hearing to take the plea will take place on April 28, 2014, at 2:00 p.m.

Trial Filing Deadlines

The parties shall file the following with the Court, on or before April 23, 2014 if the case is to be tried: (1) case specific jury instructions, with citations to supporting authorities, and verdict forms; and (2) motions in limine. Counsel for the parties shall comply timely with the discovery and motion provisions of LCrR 12.01 and 16.01.

Continuances

Any motion to continue the trial, pretrial conference or plea dates shall be filed no later than one week before the pretrial conference date. Any motion to continue the trial shall attach a Speedy Trial Waiver signed by the Defendant or an explanation of why the Waiver is not attached.

Attendance

The Defendant shall attend all Court proceedings in this case. If a Defendant is in custody, the Government shall take all necessary actions to secure the timely presence of the Defendant.

CJA Fund Requests

In any request for CJA funds pursuant to 18 U.S.C. § 3006A(e), counsel shall indicate whether prior requests have been made, and if so, provide identifying information for those requests.

It is so ORDERED.

Todd Campbell
TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE